

ESTTA Tracking number: **ESTTA582045**

Filing date: **01/15/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058314
Party	Defendant Szul Jewelry, Inc.
Correspondence Address	SZUL JEWELRY INC 12 E 46TH STREET , SUITE 3 EAST NEW YORK, NY 10017 UNITED STATES shilp.agarwal@szul.com
Submission	Answer
Filer's Name	Brian Gibbons
Filer's e-mail	trademarks@briangibbons.com
Signature	/Brian Gibbons/
Date	01/15/2014
Attachments	szul.02.rock her world.answer to petition for cancellation.pdf(91168 bytes)

BRIAN R. GIBBONS, P.A.
Attorney at Law

3936 S. Semoran Boulevard, Suite 330
Orlando, Florida 32822-4015
E-mail: trademarks@briangibbons.com

Telephone: (407) 384-6156
Facsimile: (407) 384-2601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TAPPER'S FINE JEWELRY, INC.,
a Michigan corporation,
Petitioner

v.

SZUL JEWELRY, INC.,
a New York corporation,
Registrant

In the matter of
Registration No. 3,450,842
For the mark: ROCK HER WORLD

Registered upon the Principal Register
On June 17, 2008

Cancellation No. 92058314

ANSWER

ANSWER

Registrant, Szul Jewelry, Inc., by and through its undersigned counsel, answers the
Petition to Cancel as follows:

1. Registrant lacks sufficient knowledge to admit or deny these assertions of fact made by Petitioner, and therefore denies same.
2. Admitted, as to the name and address of Registrant.
3. Denied in part. Registrant has sold jewelry through the website www.szul.com, but this is not the exclusive channel of trade for its jewelry.
4. Registrant lacks sufficient knowledge to admit or deny all assertions of fact made by Petitioner, and so denies same. Admitted that a video featuring jewelry offered under the ROCK HER WORLD trademark was made available on or about November 26, 2007.

Answer to Petition to Cancel
TTAB Cancellation No. 92058314
Page 2 of 3

5. Registrant objects to this allegation as being irrelevant to this proceeding. Admitted that a model featured in the aforementioned video filed a lawsuit against Registrant.
6. Registrant objects to this allegation as being irrelevant to this proceeding. Admitted.
7. Denied. Registrant has used the ROCK HER WORLD trademark within the last three years, and intends to continue doing so. Registrant lacks sufficiently knowledge as to the assertion of fact made by Petitioner, and therefore denies same. Denied as to the operational status of the szul.com website.
8. Denied.

AFFIRMATIVE DEFENSES

In further Answer to the Petition to Cancel, Registrant pleads the following affirmative defenses:

9. The Petition to Cancel fails to state a claim upon which relief may be granted.
10. Petitioner lacks standing to petition to cancel this registration.
11. Registrant reserves the right to assert additional affirmative defenses or counterclaims as they may become known through the process of discovery, including but not limited to the defenses of abandonment, acquiescence, estoppel, fair use, fraud, laches, misuse, naked licensing, unclean hands and waiver

BRIAN R. GIBBONS, P.A.

Attorney at Law

Answer to Petition to Cancel
TTAB Cancellation No. 92058314
Page 3 of 3

Respectfully submitted,

/Brian R. Gibbons/

Brian R. Gibbons
Attorney for Registrant

1/15/2014

Date

3936 S. Semoran Blvd., Suite 330
Orlando, FL 32822-4016
Phone: (407) 384-6156
Fax: (407) 384-2601

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Kenneth I. Kohn, Kohn & Associates PLLC, 30500 Northwestern Highway, Farmington Hills, MI 48334 on January 15th, 2014.

/Brian R. Gibbons/

Brian R. Gibbons
Attorney for Registrant

3936 S. Semoran Blvd., Suite 330
Orlando, FL 32822-4016
Phone: (407) 384-6156
Fax: (407) 384-2601